

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KESHIA LOU HAUGHTON,

Plaintiff,

22-cv-8886 (JGK)

- against -

ORDER

FRESH DIRECT LLC,

Defendant.

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JOHN G. KOELTL, District Judge:

On October 18, 2022, the pro se plaintiff filed the Complaint in this action. ECF No. 1. Under Rule 4(m) of the Federal Rules of Civil Procedure, the plaintiff had 90 days -- until January 17, 2023 -- to serve the summons and complaint on the defendant. Fed. R. Civ. P. 4(m). On January 24, 2023, the Court extended this deadline to February 23, 2023 and explained that if the plaintiff failed to serve the summons and complaint by this date, the case would be dismissed without prejudice for failure to prosecute. ECF No. 4.

By letter dated February 21, 2023, the plaintiff informed the Court that she had attempted to serve the summons and complaint in October 2022. ECF No. 5. On February 24, 2023, the Court explained that those efforts at service were not legally effective, but the Court directed the Clerk of Court to issue a new summons and extended the time for the plaintiff to serve the summons and complaint to March 17, 2023. ECF No. 6. The Court

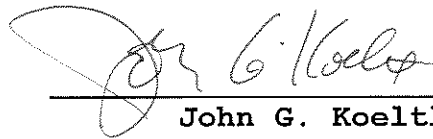
also recommended that the plaintiff consult the New York Legal Assistance Group for help in serving the summons and complaint, and the Court asked the plaintiff to advise if she needed more time to comply with the new deadline for any reason. Id. at 2.

The extended deadline for the plaintiff to serve the summons and complaint now has passed, and the plaintiff has not advised that she needs more time to comply. Accordingly, this case is **dismissed without prejudice for failure to prosecute**. The Clerk of Court is directed to close this case. If the plaintiff wishes to pursue her claims against the defendant, she must do so by filing a new action.

The Clerk is directed to mail a copy of this Order to the plaintiff and to note service on the docket.

**SO ORDERED.**

Dated: New York, New York  
April 6, 2023

  
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John G. Koeltl  
United States District Judge